

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ERIC F. LEWIS,

Plaintiff,

vs.

STUART MILLS,

Defendant.

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No. 4:09CV1291 CDP

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to proceed in forma pauperis. Plaintiff, a prisoner, has filed at least three previous cases that were dismissed as frivolous, malicious, or for failure to state a claim.¹ Under 28 U.S.C. § 1915(g), therefore, the Court may not grant the motion unless plaintiff "is under imminent danger of serious physical injury."

After reviewing the complaint, the Court finds no allegations that would show that plaintiff is in imminent danger of serious physical injury. As a result, the Court will deny the motion and will dismiss this action without prejudice to refiling as a fully paid complaint.

Accordingly,


¹See Lewis v. Univ. Med. Center, 8:07CV27 LSC (D. Neb.); Lewis v. Univ. Med. Center, 4:07CV3012 LES (D. Neb.); Lewis v. Talent Plus, 4:08CV3076 RGK (D. Neb.).

IT IS HEREBY ORDERED that plaintiff's motion to proceed in forma pauperis is **DENIED**.

IT IS FURTHER ORDERED that this action is **DISMISSED**, without prejudice, pursuant to 28 U.S.C. § 1915(g).

An Order of Dismissal shall accompany this Memorandum and Order.

Dated this 17th day of August, 2009.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE